IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 18165 of 2007(K)

PETITIONER:

VARKEY PETER,
PROPRIETOR, M/S.VEEJAY RICE MILL,
INDUSTRIAL DEVELOPMENT AREA, ANGAMALY SOUTH-
683 573.

BY ADV. SRI.N.RAGHURAJ

RESPONDENTS:

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1. ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
P.B.NO.1895, KALOOR, KOCHI- 682 017.

2. ENFORCEMENT OFFICER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
KOCHI-17.

BY GOVERNMENT PLEADER SRI. GOPAKUMARAN NAIR - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.18165 OF 2007

DATED THIS THE 13th DAY OF JUNE, 2007

JUDGMENT

The petitioner challenges Ext.P6 order of the 1st respondent, whereby the petitioner has been directed to cover his establishment under the Employees Provident Fund and Miscellaneous Provisions Act and pay the arrears of contribution within fifteen days. The contention of the petitioner is that the petitioner has disputed the coverability of the petitioner's establishment itself by filing objections to Ext.P1 notice issued by the Enforcement Officer and therefore no further proceedings can be taken until the 1st respondent decides the coverability of the petitioner's establishment under Section 7A(1)(a) of the Act. Therefore the petitioner seeks quashing of Ext.P6 and a direction to the respondents to take proceedings under Section 7A(1)(a) of the Act.

2. The learned standing counsel appearing for the 1st respondent submits that Ext.P6 is only a notice for coverage and no further proceedings will be taken pursuant to Ext.P6, until the 1st

respondent passes an order under Section 7A(1)(a) of the Act after complying with the formalities prescribed under Section 7A. This submission is recorded and the writ petition is closed.

S. SIRI JAGAN, JUDGE

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